



**Testimony by Don Shubert,
President of the Connecticut Construction Industries Association,
for the
General Law Committee**

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912 Silas Deane Highway
Wethersfield, CT 06109
Tel: 860.529.6855
Fax: 860.563.0616
ccia-info@ctconstruction.org
www.ctconstruction.org

Opposed: S.B. No. 121, An Act Concerning The Fair Right To Repair Act

Good morning Senator Maroney, Senator Witkos, Representative D Agostino, Representative Rutigliano and members of the Committee.

The Connecticut Construction Industries Association (CCIA) opposes this bill based on very serious safety and environmental concerns.

CCIA is comprised of companies in various sectors of the construction industry that have a long history of providing quality work for the public benefit. One of the sections of CCIA is the Equipment Dealers Division. Members of this division include companies that sell, lease, and service heavy construction equipment.

Senate Bill No. 121 will require original equipment manufacturers to make available to independent repair providers and owners all embedded digital code for digital electronic equipment, even when that code is designed to ensure that the equipment is operated within the designed tolerances, safety measurements, and emissions standards.

Allowing open access to embedded code will foster unsafe operation of equipment, putting mechanics, operators, and others on a construction site in real danger of serious injury or death. Construction equipment is very sophisticated. The equipment is carefully designed and manufactured to operate within certain tolerances. This bill will give independent repair providers and owners the opportunity to tamper with and alter functions of the machines to exceed the designed tolerances, putting everyone in and around the equipment at risk.

Likewise, open access to embedded code will allow independent repair providers and owners to tamper with and alter the equipment to disable emissions controls so that the machines no longer meet the base level safeguards of the U.S. Clean Air Act.

Furthermore, the new permitted tampering with equipment inspired by this bill will compromise the sale of used equipment when the equipment is altered to misrepresent the damage done while the equipment was run under improper modifications.

Safety is the priority for the construction industry. Protecting the environment is a priority for everyone. This bill compromises both.

For these reasons and more, CCIA respectfully request that the General Law Committee oppose Senate Bill 121.

For questions and further information, please contact Don Shubert at 860-529-6855 or dshubert@ctconstruction.org.

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